IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 32853 of 2006(J)

PETITIONER:

GLADYS D' CRUZ,
W/O. LATE D'CRUZ, AGED 56 YEARS, HOUSE NO.39/6170-BC, KATTUNILATH HOUSE, PERUMANOOR, KOCHI-15.

BY ADV. SRI.DENIZEN KOMATH

RESPONDENTS:
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1. CORPORATION OF KOCHI,
REP. BY ITS SECRETARY, ERNAKULAM.

2. THE TOWN PLANNING OFFICER,
CORPORATION OF KOCHI, ERNAKULAM.

3. JESTIN JOHN, S/O. JOHN,
KOVATT HOUSE, PERUMANNOOR, KURISUPALLY ROAD, KOCHI-15.

BY SRI.S.RAMESH BABU, SC, CORPORATION OF KOCHI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE,J.

W.P.(C) NO. 32853 OF 2006

Dated this the 11th day of December, 2006

J U D G M E N T

Heard Sri.S.Ramesh Babu, standing counsel for respondents 1 and 2 and Sri.Denizen Komath, counsel for the petitioner. Counsel for the petitioner submits that the 3rd respondent is continuing with the illegal construction notwithstanding the pendency of Exhibit P2. Under these circumstances, the writ petition will stand disposed of with the following directions.

The Secretary of the 1st respondent Corporation will immediately facilitate conduct of a local inspection of the constructions which have been taken up by the 3rd respondent and if he is convinced that the constructions are illegal, he will issue stop memo to the 3rd respondent. Thereafter, Exhibit P2 will also be taken up by him and a decision on the issue will be taken by him with notice to the petitioner and the 3rd respondent. Compliance with all the above directions will be made by the 1st respondent-Secretary at his earliest, and at any rate within six weeks of receiving copy of this judgment.

Writ petition is disposed of as above.

PIUS C.KURIAKOSE, JUDGE

Rp